

REMARKS

Claims 1-18 are pending after entry of this paper. Claims 1-3, 5-15, 17 and 18 have been rejected, and claim 4 and 16 have been objected to.

Claims 1 and 11-13 have been amended. No new matter has been introduced by these amendments. Support may be found throughout the instant specification, for example, in the claims as originally filed.

Reconsideration and withdrawal of the pending rejections in view of the above claim amendments and below remarks are respectfully requested.

Examiner Telephonic Interview

Applicants thank the Examiner for taking the time to speak with applicants' representative, and clarifying the status of claims 4 and 16. Claims 4 and 16 were marked as objected to the Office Action Summary, although the reasons for the objections were not elaborated in the detailed action. The Examiner represented that claims 4 and 16 could have also been provisionally rejected for non-statutory obviousness-type double patenting over copending Application No. 10/533,758. Applicants request that the claims be treated with the remainder of the claims as requested below.

Response to Provisional Non-Statutory Double Patenting Rejection

Claims 1-3, 5-15, and 17-18 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2, 5-9, and

11-16 of copending Application No. 10/533,758. Since the conflicting claims have not in fact been patented, this is a provisional obviousness-type double patenting rejection.

In response, applicants respectfully request that the provisional double-patenting rejection be held in abeyance due to the provisional nature of the rejection until one of the applications is allowed. Applicants note that it is proper when dealing with otherwise allowable subject matter in co-pending applications to withdraw a provisional rejection in the most advanced application, allow it to issue, and make a (non-provisional) rejection in the remaining application.

Applicants invite the Examiner to contact the undersigned by telephone upon allowance of an application.

Thus, applicants respectfully submit that the invention as recited in the claims as presented herein is allowable over the art of record, and respectfully request that the respective rejections be withdrawn.

CONCLUSION

Based on the foregoing amendments and remarks, applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application. Favorable action by the Examiner is earnestly solicited.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. **13-4500**, Order No. 4819-4743.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. **13-4500**, Order No. 4819-4743.

Respectfully submitted,
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